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HOUSE BILL 271

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO HEALTH; LIMITING MERCURY IN INFLUENZA VACCINE;
ENSURING ADEQUATE SUPPLIES OF SAFE AND EFFECTIVE INFLUENZA
VACCINE; IMPROVING INFLUENZA CONTROL; AMENDING AND ENACTING
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-5-1 NMSA 1978 (being Laws 1959,
Chapter 329, Section 1, as amended) is amended to read:

"24-5-1. IMMUNIZATION REGULATIONS.--

A. The public health division of the department of
health shall, after consultation with the [~~state board of~~
~~education~~] public education department, promulgate rules [~~and~~
~~regulations~~] governing the immunization against diseases deemed
to be dangerous to the public health, to be required of
children attending public, private, home or parochial schools

underscored material = new
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1 in the state. The immunizations required and the manner and
2 frequency of their administration shall conform to
3 recommendations of the advisory committee on immunization
4 practices of the United States department of health and human
5 services and the American academy of pediatrics. The public
6 health division shall supervise and secure the enforcement of
7 the required immunization program.

8 B. Children under the age of eight or persons who
9 are known to be pregnant shall not receive any influenza
10 vaccine containing more than trace amounts of mercury as
11 defined by the United States food and drug administration
12 unless, in the judgment of the health care provider,
13 administering the vaccine is medically indicated and mercury-
14 free or trace vaccine is unavailable and the patient or
15 guardian is notified that the vaccine to be administered
16 contains mercury.

17 C. The department of health may authorize an
18 exemption from the provisions of Subsection B of this section
19 if the exemption is necessary to ensure that an adequate supply
20 of vaccine is needed to protect the public health and if the
21 patient or guardian is notified that the vaccine to be
22 administered contains mercury."

23 Section 2. [NEW MATERIAL] IMPROVING INFLUENZA CONTROL.--
24 The department of health shall develop and implement a plan to
25 increase influenza immunizations among school children and

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children in daycare.

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